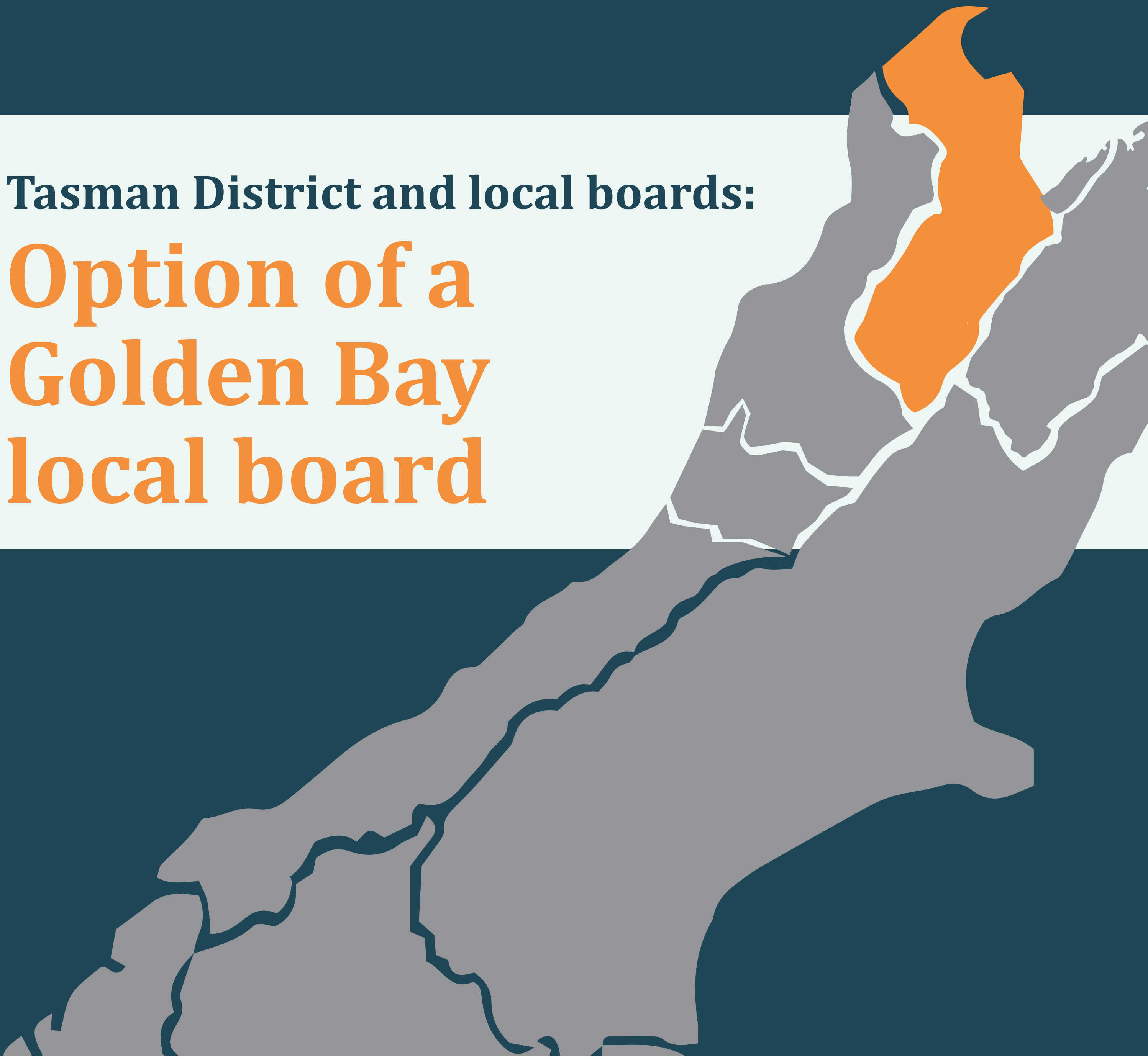
Local Government Commission
Mana Kāwanatanga ā Rohe

Tasman District and local boards:

Option of a Golden Bay local board



July 2020 | www.lgc.govt.nz

What a Golden Bay local board might look like

- Covering the area of the present Golden Bay Ward (and replacing the present Golden Bay Community Board)
- Called 'Golden Bay/Mohua Local Board'
- Comprising 5 elected members and 2 appointed members (the two ward councillors)
- The board chairperson elected *either* by the Golden Bay community *or* by the Golden Bay/Mohua Local Board
- Established on 1 November 2021 for a 4-year term (with elections in October 2021)

What a Golden Bay local board might be responsible for

- Decision-making in the local board area relating to:
  - parks & reserves
  - community facilities:
    - Takaka library
    - cemeteries
    - playgrounds
    - public toilets
    - Recreation Park Centre and fields
    - location of new/upgraded community facilities
    - oversight of community halls
  - community relations:
    - community projects, activities and events
  - public health & safety:
    - dog access rules
    - objections to liquor licence applications
    - alcohol bans
  - transportation & roading:
    - traffic control signs
    - bus stops and shelters
    - street names
    - street furniture, planting and trees
- Advocating on behalf of the community in relation to:
  - roading and footpaths
  - three waters
  - flood protection and river control
  - community museums
  - community funding and operational grants
  - community housing
  - Collingwood library
  - Takaka Community Centre
  - Takaka Information Centre
  - Pohara and Collingwood motorcamps
  - Takaka aerodrome
  - Port Tarakohe
- Working in collaboration with the council and, where appropriate, local iwi on:
  - environmental management:
    - projects and programmes to improve local environments
    - input into resource consent notifications

- public health & safety:
  - helping build community networks and relationships
- coastal structures:
  - gathering information on existing structures
- solid waste:
  - promoting recycling and waste minimisation
- parks & reserves:
  - application of financial contributions

How a Golden Bay local board might be serviced and funded

- Serviced and supported by:
  - 1 full-time experienced local government adviser
  - Tasman District Council corporate support as required
- Recommended it be funded by:
  - a targeted Golden Bay rate covering elected member remuneration and full-time board support
  - district-wide rates covering indirect costs

Introduction

Tēnā koutou

In late 2018 the Local Government Commission received an application for the establishment of a local board to replace the existing Golden Bay Community Board in Tasman District. The application, from the 'Working Group for a Golden Bay Local Board', met legislative requirements and so we commenced the process for considering the application.

In late 2019 there was a change in the legislation on how local government reorganisation applications are to be considered and this now covers the Golden Bay application. We are required to undertake a 'reorganisation investigation' in relation to the application. As part of this investigation, we need to identify the level of both community support and opposition to any proposed changes in the area.

In order to do this, we have decided to prepare this document showing what a Golden Bay local board might look like, what it might do and what it might cost.

We are now seeking community views on the option of establishing a Golden Bay local board and more particularly the levels of support and opposition for such a board.

The development of this document follows a series of meetings we have had in the district with the applicant, Tasman District Council, Golden Bay Community Board and local iwi. While it reflects the circumstances in Golden Bay, we are also interested in whether there is support for local boards elsewhere in Tasman District.

As we explain in this document, local boards have more guaranteed decision-making powers than community boards. They share decision-making with the 'governing body' of the council i.e. the mayor and councillors. In contrast, community boards are generally more of an advocacy body for their area with no guaranteed decision-making responsibilities.

Local boards were first introduced with the reform of local government arrangements in Auckland in 2010 which has 21 boards across the whole Auckland area. Local boards may now be established in other areas of the country which have unitary authorities (councils performing both regional council and territorial authority functions such as Tasman District Council). To date, however, no local boards have been established elsewhere.

The Commission invites feedback from both Golden Bay and also the wider Tasman District community. We will carefully consider all the feedback received and then decide whether or not we proceed to the stage of developing a 'reorganisation plan'. Details of how and when individuals and organisations can provide feedback, or how you can seek further information, are set out in this document.

We look forward to your comments.

Ngā mihi

Brendan Duffy
Chairperson

What are the options?

In relation to the Golden Bay local board application, the legislation limits the Commission to options totally within Tasman District. This means the Commission cannot consider options such as combining all or part of Tasman District with another district/city. It also cannot consider any alterations to Tasman District boundaries. This includes, for example, separation of Golden Bay from the rest of Tasman District and the establishment of a new council for Golden Bay.

The options open to the Commission, as a result, are limited to:

OPTION 1

Establishment of one or more local boards in Tasman District

OPTION 2

Establishment of no local boards, i.e. retention of existing local government arrangements in Tasman District

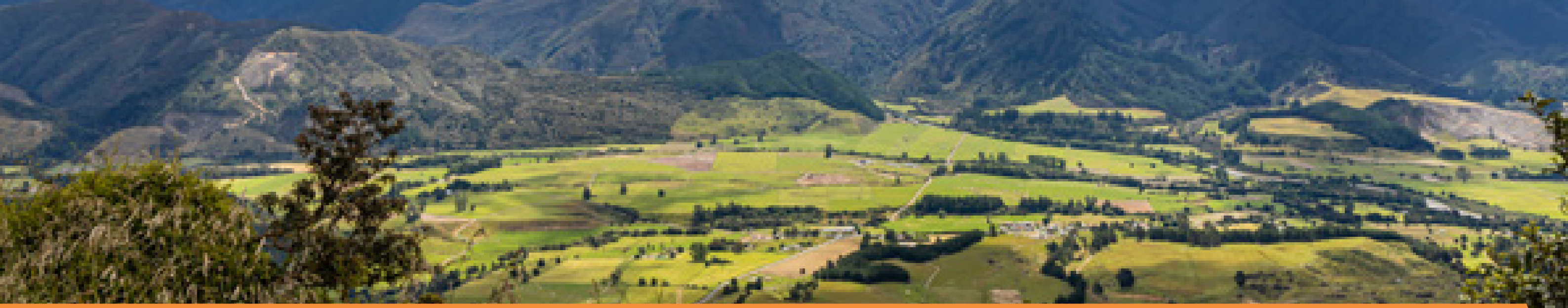
What is a local board?

As reflected in the Local Government Act 2002, a local board is similar to a community board in the following respects:

- part of the structure of the local authority (i.e. not a local authority itself)
- cannot acquire or hold property, enter into contracts or appoint staff
- elected by and represents the local community
- required to communicate with community and special interest groups in its area
- may consider and report on any matter of interest or concern.

However, there are also key differences between a local board and a community board set out in the legislation.

Local board	Community board
• Required to prepare a 3-year plan reflecting local priorities and preferences • Required to reach agreement with the governing body of the council every year on the activities and services to be provided in the local area and how these are funded • Required to monitor the implementation of the annual agreement • Responsible for certain decisions in its area (suggested in this document) and is accountable to the local community for these decisions • Required to identify and communicate local interests and preferences in relation to council strategies, policies, plans and bylaws • May develop bylaws specifically for its area and propose these to the governing body	• Required to maintain an overview of council services provided in the community • May make an annual submission for council expenditure within the community • Required to undertake any other responsibilities delegated to it by the council



Why a Golden Bay local board?

The purpose of local government, set out in the Local Government Act 2002, has two parts.

Firstly, the purpose is *to enable democratic local decision-making and action by, and on behalf of, communities*. In line with this, it can be argued that providing for more local decision-making and action-taking in Golden Bay better achieves the purpose of local government. This is because local boards have more decision-making powers than community boards.

Secondly, the purpose of local government is also *to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future*. Providing for more local decision-making and action-taking may be seen as promoting well-being in Golden Bay by allowing local communities to participate more easily in decision-making processes that affect their well-being. However, there is also an argument that with more skills and resources available to the council at the district level, well-being can be better promoted, at least in some respects, by decision-making at the whole of district level.

What are your views on an appropriate balance between:

- **more local decision-making in Golden Bay and**
- **district-wide decision-making?**

The application from the 'Working Group for a Golden Bay Local Board' described in some detail the nature of Golden Bay, including its relative isolation and distinct geographical features. It noted that Richmond, as the administrative centre for the district, was a 2-hour drive for the average Golden Bay resident. In addition, it noted the relationship between Tasman District Council and Golden Bay "has experienced difficulties, at least partly due to the level of distinction and physical isolation between Golden Bay and its neighbouring communities".

Through the regular representation review process, the Local Government Commission has recognised Golden Bay as a distinct and relatively isolated geographical community of interest. This is reflected in agreement for Golden Bay to have its own ward and community board in order to achieve fair and effective representation.

Given its geographical features and the relative remoteness of Golden Bay, do you consider more local decision-making is necessary to promote local community resilience and well-being now and in the future?

As part of an early process after receipt of the Golden Bay local board application, the Commission was required to invite alternatives to the application. This resulted in a very limited response with two respondents suggesting the establishment of a Motueka local board but this was opposed by another respondent. On the basis of the responses received, the Commission did not consider at that time there was sufficient support to consider establishment of further local boards in either Motueka or elsewhere in Tasman District.

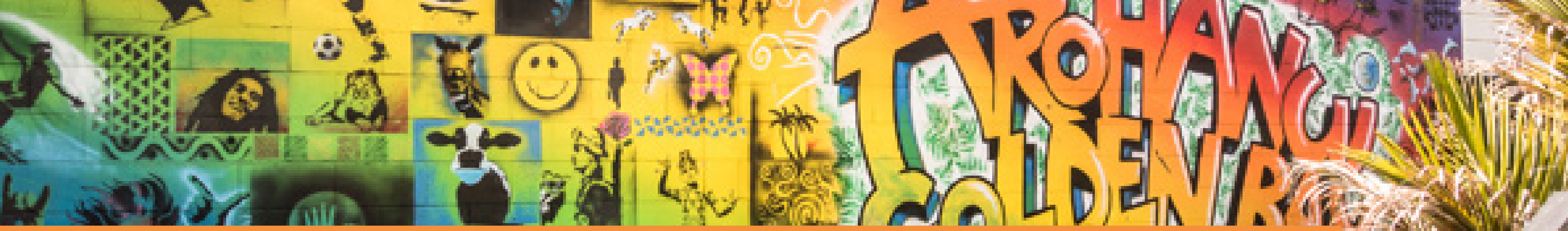
Is there community support for the establishment of local boards elsewhere in Tasman District? Can you demonstrate the level of support?

If the Commission does decide to develop a 'reorganisation plan' for a Golden Bay local board, it suggests a board comprising 5 elected members and the current 2 ward councillors as appointed members would be appropriate. The chairperson of the board could either be elected directly by the electors of Golden Bay or by the local board itself.

The Commission could review the current representation arrangements for Tasman District, particularly councillor representation in Golden Bay, as part of a local board reorganisation process. At this stage, however, it believes it would be appropriate for Tasman District Council to undertake this as part of its next representation review.

Unlike for councils, the legislation does not allow for separate Māori representation on local boards. However, a local board can appoint non-board members to committees of the board and these could include local iwi representatives.

Do you have any comments on possible local board representation arrangements or on councillor representation in the event a local board(s) is established in Tasman District?



What might a Golden Bay local board do?

The legislation provides that decision-making on local activities that are not 'regulatory' in nature *should* be allocated to local boards unless there are good reasons not to. These good reasons are:

- the impact of the decision will extend beyond the local board area
- effective decision-making will require alignment or integration with other decisions that are the responsibility of the governing body
- the benefits of a consistent or co-ordinated approach will outweigh the benefits of reflecting the particular needs and preferences of the communities within the local board area.

If the Commission does decide to develop a 'reorganisation plan' for a Golden Bay local board (or anywhere else in the district), that plan would list all the local decision-making responsibilities allocated to the board. These responsibilities could only be changed in future if the governing body of Tasman District Council (i.e. mayor and councillors) and the Golden Bay local board agreed to changes. Where there is no agreement, the Local Government Commission would make a ruling.

In addition to allocations of decision-making responsibility, the reorganisation plan might also include 'delegations' of decision-making responsibility. These delegations can include particular regulatory responsibilities of the council. Delegations are different from allocations in that they would be in place for the initial term of the local board, they could then be reviewed and potentially changed or removed by the governing body.

Below we identify the decision-making responsibilities that might either be allocated or delegated to a Golden Bay local board. It should be noted that while decision-making responsibility for a particular activity might be allocated or delegated, local board decision-making would be subject to particular constraints. These are: the annual budget for that activity as agreed between the governing body and local board; and district-wide policy, including any legislative standards, relating to that activity adopted by the governing body.

An important element of local board decision-making is the ability of the local board to agree with the governing body on a 'level of service' different from the rest of the district for a particular activity. A different level of service might, for example, involve such things as opening hours of facilities and levels of maintenance.

In relation to the maintenance of facilities, the local board could provide feedback on the meeting of performance standards and input on contract reviews.

Decision-making

Possible local board decision-making responsibilities for council-owned/operated facilities in Golden Bay:

- *parks & reserves:* oversight of management and maintenance; approve declarations, classifications, re-classifications and revocations relating to reserve status; approve names of parks and reserves;

approve management plans; grant leases and licences; approve development and activities on parks and reserves; carry out consultation on these decisions; liaison and support for volunteer reserves management committees

- *Takaka library:* oversight of management and maintenance; approve usage policies and opening hours
- *cemeteries:* oversight of management and maintenance
- *playgrounds:* oversight of management and maintenance; approve new playgrounds, equipment and upgrades
- *public toilets:* oversight of management and maintenance; approve new toilets and upgrades
- *Recreation Park Centre and fields:* oversight of management and maintenance; approve usage policies, occupancy agreements and opening hours
- *new/major upgrade of community facilities:* approve final location and design.

Possible local board decision-making responsibilities for other Golden Bay facilities and services:

- *community halls:* appointments to hall committees, oversight and support
- *community projects, activities and events:* approval, seeking and application of external funding, dispersing any surpluses
- *dogs:* amendments to dog access rules
- *liquor licence applications*: making objections
- *alcohol bans:* making, amending and revoking bans
- *traffic control signs:* approval
- *bus stops and shelters:* approval of location and design
- *street names:* approval
- *streetscapes & trees*: approval of design and location of street furniture and planting, removal of trees.

Advocacy

In addition to formal decision-making for the facilities and services identified above, the Commission considers there are other roles a Golden Bay local board could more effectively play. This is based on the enhanced status and responsibilities of a local board compared to a community board. These include a stronger advocacy role on behalf of the Golden Bay community arising out of the preparation of its 3-year plan for the community and the annual agreement reached with the governing body of the council. The advocacy role would be in relation to district-wide activities and services such as:

- *roading & footpaths:* input with community priorities and preferences
- *the 'three waters':* input with community priorities and preferences
- *flood protection & river control:* input with community priorities and preferences
- *community museums*: level of financial and other support
- *community funding and grants*: input on allocation of funding and operational grants to community organisations
- *community housing*: input on maintenance levels and amenities.

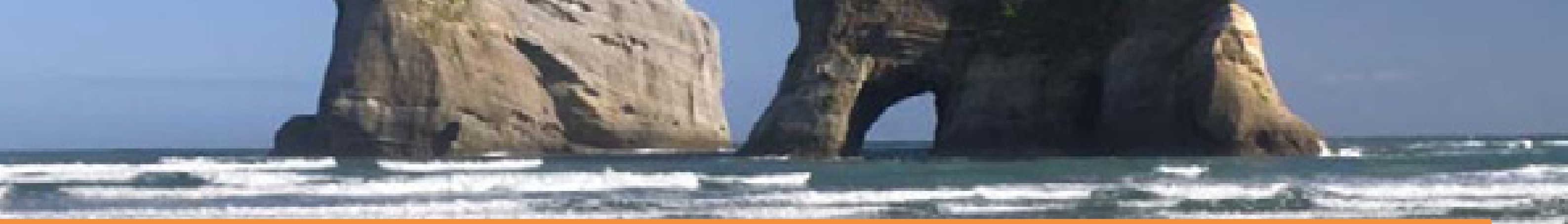
The advocacy role would also be in relation to particular activities and services located in Golden Bay in which there may also be a district interest including:

- *Collingwood library*: level of financial and other support
- *Takaka Community Centre*: level of financial and other support
- *Takaka Information Centre*: level of financial and other support
- *Pohara & Collingwood motor camps*: impact on neighbourhood
- *Takaka aerodrome*: impact on neighbourhood
- *Port Tarakohe*: impact on neighbourhood and public access.

Collaboration

In addition, there is potential for more active collaboration between a Golden Bay local board and other parts of Tasman District Council, and, in some cases, with local iwi. Examples of possible collaborations are:

- projects and programmes to improve local environments such as the coastline, waterways and open spaces
- input into resource consent notifications
- helping build community networks and relationships that strengthen community cohesion, preparedness for emergencies and participation
- gathering information on coastal structures including their current condition
- initiatives to promote recycling and waste minimisation
- allocation of contributions received from new subdivisions and developments for new and upgraded parks and reserves.



What might a Golden Bay local board cost? Who would pay?

Direct costs

The Commission has identified direct costs relating to a Golden Bay local board, being elected member remuneration and full-time dedicated support services for the board.

On the basis of five elected members, the Remuneration Authority has provided an indicative assessment for Golden Bay local board remuneration totalling $75,040 p.a. compared to $32,756 for the current community board. (Actual remuneration would be confirmed when detailed board responsibilities are finalised).

The Commission sought advice on local board support services. This identifies the need for an additional full-time equivalent officer to provide support services. The remuneration package for the necessary experienced officer, including provision for organisational overheads such as accommodation costs, is estimated to be $240,000 p.a.

Indirect costs

There would be further costs arising from establishment of a Golden Bay local board. These relate to a need for corporate support from Tasman District Council.

The Commission expects the full-time support officer would initiate much of the required work for a local board. However, corporate support would still be needed in the preparation of the required local board funding policy, the 3-yearly local board plan, and the annual agreement between the governing body and the board. Support would also be required in the form of reporting on delivery of services in Golden Bay, preparation of asset management plans, possible local bylaws and to assist with board communication and consultation.

There would be a peak in the required work, involving different council officers, at the time of establishment of the local board with its associated new processes and procedures. However, the Commission does not expect this would require the same level of corporate support equally across the three years of each board term. The estimated annualised additional cost for this support is $190,000.

Funding

The Commission does not have the power to determine local authority rates as part of any reorganisation plan. It could only make recommendations to the local authority concerned (Tasman District Council) if it decided to issue a reorganisation plan.

Tasman District Council would need to consult the community on funding arrangements for a local board(s) under a new local board funding policy which would become part of its long-term plan.

To assist the current consultation process, the Commission sets out its views on an appropriate approach for local board funding if a board was to be established in Golden Bay or elsewhere in Tasman District.

In relation to the direct costs for a Golden Bay local board identified above, the Commission believes it would be appropriate for these to be funded by a targeted rate on Golden Bay. This is on the basis of the benefits to the area of enhanced representation and access to decision-making. This would continue the current council practice of a targeted Golden Bay rate for some of the direct costs of the community board. For 2020/21, these costs total $67,000 requiring a rate of $19.79 per property in Golden Bay.

To calculate an equivalent local board rate, requires an allowance for community board support costs (not currently identified as a direct cost) and an assumption other community board costs (including the discretionary grants fund) would remain the same for a local board. On this basis, the Commission has identified an approximate $75 increase in the annual rate per property for a Golden Bay local board.

The targeted rate would provide a mechanism for any additional funding, including any increase in local service levels, agreed in future between the board and the governing body.

For indirect costs, the Commission believes a continuation of Tasman District Council's current policy of funding these across the district by general rates would be appropriate.

This is on the basis that, while there are direct benefits to the local board area, there are also benefits to the district as a whole in having more localised decision-making. These benefits relate to enabling Tasman District Council to meet its statutory obligations and achieve its own desired community outcomes and policy objectives.

Statutory obligations include the purpose of local government which is 'to enable local democratic decision-making and action by, and on behalf of, communities'. They also include principles which all local authorities must act in accordance with. These include:

- 'a local authority should make itself aware of, and should have regard to, the views of all of its communities'
- 'when making a decision, a local authority should take account of the diversity of the community, and the community's interests, within its district.'

In addition, Tasman District Council's desired community outcomes include:

- 'our communities are healthy, safe, inclusive and resilient'
- 'our communities have opportunities to celebrate and explore their heritage, identity and creativity'
- 'our communities have access to a range of social, educational and recreational facilities and activities.'

To help achieve these outcomes, Tasman District Council has identified the importance of effective community engagement in a further desired outcome: 'our council provides leadership and fosters partnerships, a regional perspective and community engagement'.

The council has also identified policy objectives in its 'significance and engagement policy' and in its 'regional policy statement' highlighting the importance of community engagement, involvement in decision-making, partnerships and responding to diversity.

By encouraging local communities to be more involved in decision-making on local matters provides a further benefit by enabling the governing body to focus on district-wide strategic issues such as network infrastructure, the environment and the district economy.

An empowered local board(s), with a clear set of responsibilities placed on it, could be seen to be a good way to assist Tasman District Council to meet its statutory obligations and achieve its desired outcomes and policy objectives.

Given the benefits to the council, and as a result to the district as a whole, it would be appropriate for an element of the cost of a local board(s) to be funded by a general rate across the district. The Commission suggests that element be the indirect board costs covering corporate support and other incidental costs, as currently funded for the community boards across the district.

Summary of advantages and disadvantages of a Golden Bay local board

Advantages

- Better achieve the purpose of local government of local decision-making and action
- Better achieve Tasman District Council's desired community outcomes and policy objectives relating to community engagement, involvement in decision-making, partnerships and responding to diversity
- Improve local governance by assisting Tasman District Council to focus on strategic regional-level decision-making
- An effective response to the opportunities, needs and circumstances of Golden Bay
- Enhanced ability for Tasman District Council to meet the changing needs of Golden Bay for governance and services into the future

Disadvantages

- Additional cost (elected member remuneration and support costs)
- If only a Golden Bay local board:
    - perceived inequality in treatment of Golden Bay vis-à-vis other Tasman District communities
    - complexity of arrangements vis-à-vis other wards with a community board or voluntary community/ residents associations
- Implications for council administration and resourcing:
    - requirements for new funding policy, 3-year plan and annual agreement
    - disaggregation of certain council services and assets for reporting purposes
    - one-off costs such as initial election(s)

Consultation

The Local Government Commission:

- invites written submissions on the option of establishing a local board for Golden Bay or elsewhere in Tasman District, by **14 August 2020**
- is willing to meet with community groups and interests in Tasman District to discuss local board options for Tasman District
- will hold hearings for those making submissions and wishing to present their views in person to the Commission.

How to make a submission:

Fill in the form on the next page and post or email it to us

OR Download the form from our website, fill it in and post it or email it to us

OR Write your own submission and post it or email it to us

Please state in your submission whether you wish to speak to the Commission at a hearing on submissions.

NOTE: Once your submission has been received, it becomes a public document. This means it may be made available on our website and to anyone who requests it. Personal information (address, contact number, email address) will be removed before any submission is published or released.

Submissions can be sent to/more information can be requested from:

Email: submissions@lgc.govt.nz
Phone: 04 460 2228
www.lgc.govt.nz

Post:

Chief Executive Officer
Local Government Commission
PO Box 5362
Wellington 6140

Next steps

The next steps the Commission will take in response to the Golden Bay local board application are:

14 August 2020
- Close of submissions

September 2020
- Hearings of submissions

October 2020
- Consideration of the submissions/other input received
- Undertaking of any necessary further investigations
- Consideration of the need for discussions with interested parties to clarify the scope of any particular allocation or delegation of decision-making responsibility, or the particular mechanisms for representing local interests in governing body decision-making

November 2020
- Final decision on whether or not to prepare and issue a reorganisation plan for one or more local boards in Tasman District

February – April 2021
- Subject to the decision on issuing a reorganisation plan, undertake transition process including preparation of a reorganisation implementation scheme

October 2021
- Election for new local board(s). (N.B. an election at this time would enable the board(s) to have an initial 4-year term prior to the triennial local authority elections in 2025)

1 November 2021
- New local board(s) come into existence

Submission form

Closing date for submissions
Friday, 14 August 2020

Do you:

Please tick only one:

- ◯ Support the option of a Golden Bay local board
- ◯ Support the option of a Golden Bay local board and a local board or boards elsewhere in Tasman District
- ◯ Support the retention of existing arrangements i.e. community boards (not local boards) in Golden Bay and Motueka

If you support a local board or boards in other areas of Tasman District, please identify that area(s):

Please write any comments here including reasons for the option you support (you may add further pages if you wish):

Your name:

Area of Tasman District where you live:

Your organisation (if applicable):

Your email, residential or postal address:

Please indicate if you wish to speak at a Commission hearing:

◯ Yes ◯ No

How to send your submission

Email submissions@lgc.govt.nz
Web www.lgc.govt.nz

Post
Local Government Commission
PO Box 5362, Wellington 6140